

Authority: Toronto and East York Community Council Item 23.14, as adopted by City of Toronto Council on May 7, 8 and 9, 2013

CITY OF TORONTO

Bill No. 672

BY-LAW No. -2013

To amend former Borough of East York Zoning By-law No. 6752, as amended, with respect to the lands municipally known as 1401 O'Connor Drive.

Whereas authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended to pass this By-law; and

Whereas Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*; and

Whereas pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law provided there is an official plan in effect authorizing the same; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of an increase in height and density of development; and

Whereas Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

Whereas the owner of the aforesaid land has elected to provide the facilities, services and matters, as set out in this By-law; and

Whereas the increase in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 6752, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which Council requires be secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are those lands outlined by a heavy black line as shown on Map "1" attached hereto and forming part of this By-law.
2. Map "1" to former Borough of East York Zoning By-law No. 6752, as amended, is hereby further amended by changing the zoning category for the lands identified on Map 1" hereof from "C (Commercial) Zone" to "MRC.3 (Mixed Residential Commercial Site Specific) Zone."
3. Former Borough of East York Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.7.5.24.3 immediately after Section 7.7.5.24.2 of the By-law as follows:

"7.7.5.24.3 **1401 O'Connor Drive (MRC.3)**

7.7.5.24.3.1 Area Restricted

The provisions of this section shall only apply to those lands municipally known on the date of this amendment as 1401 O'Connor Drive being part of Lots 36 to 43 (both inclusive) and Part of Lot 43 Registered Plan 3396, City of Toronto (formerly Borough of East York), as shown on Map "1" of By-law No. xxx-2013.

7.7.5.24.3.2 General Provisions

On those lands referred to in Section 7.7.5.24.3.1 of this By-law, no person shall use, occupy, Erect, alter, cause to be used, occupied, Erected or altered, any Building, Structure, or land or part thereof, except in accordance with the following provisions:

(1) Definitions

For the purpose of Section 7.7.5.24.3, each word or expression that is capitalized shall have the same meaning as such terms has for the purpose of By-law No. 6752, as amended, except for the following which shall have the meaning stated:

(a) **BICYCLE PARKING SPACE:**

Means an area used for the purpose of parking and storing a bicycle with a minimum dimension of:

(i) if located in a horizontal position (on the ground):

Minimum length - 1.8 metres,
Minimum width - 0.6 metres;
Minimum horizontal clearance from the ground -
1.9 metres; and

(ii) if located in a vertical position (on the wall):

Minimum length or vertical clearance – 1.9 metres,
Minimum width - 0.6 metres;
Minimum horizontal clearance from the wall - 1.2
metres

(b) **GRADE:**

Means the elevation above the geodetic elevation of 129.88 metres Canadian Geodetic Datum.

(c) **GROSS FLOOR AREA:**

Means the aggregate of the areas of each storey above Grade measured between the exterior faces of the exterior walls of a Building at the level of each storey and including the floors below Grade unless they are used only for storage, washrooms, heating equipment, parking, loading and/or other Accessory uses.

(d) **LOADING SPACE – TYPE B:**

Means a Loading Space having a:

Minimum length - 11.0 metres;
Minimum width - 3.5 metres; and
Minimum vertical clearance - 4.0 metres.

(e) **LOADING SPACE – TYPE G:**

Means a Loading Space having a:

Minimum length - 10.0 metres;
Minimum width - 4 metres; and
Minimum vertical clearance - 6.1 metres.

(f) **LOT:**

Means the lands outlined by a heavy black line as shown on Map "1" of By-law No. xxx-2013 and referred to in Section 7.7.5.24.1.

(g) **PARKING SPACE:**

Means an area for the parking and storing of a vehicle with a minimum dimension of:

Length – 5.6 metres
Width – 2.6 metres
Vertical clearance – 2.0 metres

Except that the minimum required width of a Parking Space must be increased by 0.3 metres for each side of the Parking Space that is obstructed by a fixed object such as a wall, column, bollard fence or pipe, if it is situated within 0.3 metres of the side of the Parking Space, measured at right angles and more than 1.0 metres from the front or rear of the Parking Space.

(h) **RESIDENTIAL AMENITY SPACE – OUTDOOR:**

Means an outdoor common area or areas on the Lot which are provided for the exclusive use of residents of a building on the Lot for recreational or social purposes.

(i) **RESIDENTIAL AMENITY SPACE – INDOOR:**

Means a common area or room or contiguous common areas or rooms within a building on the Lot, at least one of which is adjacent to a kitchen and washroom, which are provided for the exclusive use of residents of such building for recreational or social purposes.

(2) **Permitted Uses, Buildings and Structures**

- (a) Apartment House;
- (b) Personal Service shops, travel agencies, Business and Professional Offices including office of any medical or therapy service providers, pet grooming establishments, pet supplies store, artist's studio's, teaching establishments limited to no more than 3 students per session, private Home Daycare, retail shops, convenience store, Financial Institution, equipment rental store; and
- (c) Buildings and Structures Accessory to the foregoing.

(3) **Development Requirements**

- | | | |
|-----|--------------------------------------|--|
| (a) | Minimum Lot Area | 3,538 m ² |
| (b) | Maximum No. of Dwelling Units | 142 |
| (c) | Maximum Residential Gross Floor Area | 10,750 m ² |
| (d) | Maximum Coverage | 51% |
| (e) | Maximum Floor Space Index | 3.4 times the Lot Area |
| (f) | Maximum Building Height | Height not to exceed the number following the symbol "H" shown on Map 2 of By-law No. xxx-2013 |

(g)	Maximum Number of Storeys	7 Storeys
(h)	Minimum Residential Amenity Space – Indoor	2 m ² per Dwelling Unit
(i)	Minimum Residential Amenity Space – Outdoor	2 m ² per Dwelling Unit
(j)	Minimum Non-Residential Gross Floor Area	577 m ²
(k)	Minimum number of off-street Loading Spaces	2
(l)	Minimum Landscaped Open Space	550 m ²
(m)	Minimum setback of Buildings and Structures	As shown on Map 2 of By-law No. xxx-2013
(n)	Minimum Residential Vehicle Parking	125
(o)	Minimum Residential Vehicle Visitor Parking	21
(p)	Minimum Commercial Vehicle Parking	5
(q)	Minimum Bicycle Parking (Residential)	86
(r)	Minimum Bicycle Parking (Visitor)	22
(s)	Minimum Bicycle Parking (Commercial)	7

(4) Use Restrictions

Notwithstanding any other provision in this By-law:

- (a) the Uses listed in Section 7.7.5.24.3 (2)(b) are restricted to the ground floor only;
- (b) Open Outside Storage and outdoor display of merchandise are not permitted;

- (c) Adult Entertainment Parlours and motorized vehicle service or repair are not permitted; and
- (d) Roof signs and projecting signs are not permitted.

(5) Section 37 Requirements

- (a) Pursuant to Section 37 of the *Planning Act* and subject to compliance with this Section 7.7.5.24.3, the increase in height and density of development on the Lot is permitted in return for the owner of the Lot's election to provide, at the owner's own expense, the following facilities, services and matters which are secured by one or more agreements, pursuant to Section 37(3) of the *Planning Act* that are in a form satisfactory to the City Solicitor and registered on title to the Lot:
 - (i) prior to issuance of an above-grade building permit for any Building on the Lot the owner shall make a cash contribution in the amount of three hundred thousand dollars (CAN) (\$300,000.00) payable by certified cheque to the Treasurer, City of Toronto to be applied at the discretion of the City as determined by the Chief Planner and Executive Director in consultation with the Ward Councillor, towards park facilities or streetscape improvements in Ward 31. The payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of By-law No. xxx-2013 to the date of payment;
 - (ii) provision and maintenance of the following to the satisfaction of the Chief Planner and Executive Director, prior to registration of any plan of condominium on the Lot:
 - (A) commemorative artefacts, mementos and photographs from the former "O'Connor Bowl" displayed in the main lobby of the proposed Building; and
 - (B) incorporation of commemorative design features of the former "O'Connor Bowl" into the exterior design of the main entrance and

interior design of the main lobby of the proposed Building;

- (iii) provision of the following in support of the development:
 - (A) construction and maintenance of the development to the satisfaction of the Chief Planner in accordance with the Tier 1-required performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Management Committee and in accordance with the Tier 2 – enhanced performance measures of the Toronto Green Standard to be set out in the Section 37 Agreement; and
 - (B) establishment of a Construction Management Liaison Committee in consultation with the Ward Councillor.
- (b) Where Section 7.7.5.24.3 (5)(a) requires the owner of the Lot to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (c) The owner of the Lot shall not use, or permit the use of, a Building or Structure erected with an increase in height and density pursuant to this Section 7.7.5.24.3 unless all provision of Section 7.7.5.24.3 (5) are satisfied.
- (6) Other Provisions
 - (a) Nothing in Section 7.7.5.24.3.2 (4)(f) shall prevent:
 - (i) Building elements or Structures on the roof of the Building that are used for outside or open air recreation, safety or wind protection purposes provided that the maximum Height of the top of the Building element or Structure is no higher than the sum of 5 metres and the maximum permitted Height of that part of the Building on which it is located as indicated by the number following the symbol "(H)" shown on Map 2 of By-law No. xxx-2013;
 - (ii) Building elements, equipment or Structures that are

used for the functional operation of the Building, such as stair towers, elevator overruns, mechanical penthouses, roof access, vents, towers, antennas, maintenance equipment, storage and water supply facilities provided that:

- (A) that the maximum Height of the top of the Building element, equipment or Structure is no higher than the sum of five metres and the maximum permitted Height of that part of the Building on which it is located as indicated by the number following the symbol "(H)" shown on Map 2 of By-law No. xxx-2013;
 - (B) any mechanical penthouse is no higher than 26.02 metres and is located approximately within the area outlined by dashed lines and identified as "Top of Mechanical Penthouse" on Map 2 of By-law No. xxx-2013;
 - (C) elevator overruns are located within that portion of the Building having a maximum permitted Height of 22 metres as indicated by the number following the symbol ("H") on Map 2 of By-law xxx-2013; and
 - (D) the combined area of all Building elements, equipment and Structures within that portion of the Building having a maximum permitted Height of 22 metres as indicated by the number following the symbol ("H") on Map 2 of By-law No. xxx-2013, does not exceed 40 percent of such roof area;
- (iii) Parapet walls to a maximum vertical projection of 1.5 metres.
- (b) None of the provisions of this By-law shall apply to prevent a temporary sales pavilion which is used only to sell the residential units and/or commercial units located on the Lot and
 - (c) Notwithstanding any existing or future severance or division of the Lot, the provisions of Section 7.7.5.24.3 shall continue to apply to the whole of the Lot; and

- (d) None of the provisions of this By-law shall apply to prevent the use, occupation, erection or alteration of any Building, land or part thereof on any lands referred to in Section 7.7.5.24.3.1 in accordance with the provisions of Section 7.7.5.24.3. Except as otherwise stated, in all other respects, all of the other provision of By-law 6752, as amended, shall apply to the lands referred to in Section 7.7.5.24.3.1."
7. Within the lands shown on Map "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

Enacted and passed on May , 2013.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)



